



TWENTY-NINE PALMS BAND OF MISSION INDIANS

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March 15, 2018

The Twenty-Nine Palms Band of Mission Indians (Tribe), a federally recognized tribe, with two reservations – one located near the cities of Coachella in Riverside County and the other located in the city of Twentynine Palms in San Bernardino County originally filed WT Docket No. 17-79 on April 14, 2017. As previously stated the Federal Communications Commission's Tower Construction Notification System (TCNS) system has proven to be a very useful tool to track, monitor, and expedite the placement of cellular technology infrastructure. Over the past four years, we have worked with and developed quality relationships with the many consultants installing telecommunication infrastructure facilities, including cell tower siting, through the TCNS Program. We find it concerning having to continually reiterate our standing regarding the timeline for initial Tribal responses and our justification for Tribal fees.

The Second Report and Order attempts to rectify perceived delays in obtaining Tribal comment. While the Second Report recognizes that many Tribal governments face issues with not obtaining sufficient information or correct information to complete review; the Tribes are held accountable for delays that are out of their control. The Twenty-Nine Palms Band of Mission Indian Tribal Historic Preservation Office (THPO) has accounted these instances; such incorrectly inputted project areas, awaiting completed cultural reports, and receiving incorrect project packets. Without these delays, the THPO completes review well under the 30-day timeframe – averaging six (6) days once the THPO receives the completed packet. The THPO experiences most delays when requesting additional information for each project – with some projects not coming to fruition.

The new Order requires a Form 620 (new towers) or Form 621 (collocations). While it requires contact information, photographs, and maps of the proposed site there should also be a consideration for the Cultural/Archaeological Report submitted with each packet, such as a box listing if it is in the process of completion. The new Order requires the applicant to provide the Cultural/Archaeological Report, if necessary, only after a Tribal Nation or NHO has indicated that a historic property may be affected and has become a consulting party. While the Tribe has knowledge of sacred and traditional places that may not be in the Cultural/Archaeological Reports – this data is used in conjunction with traditional knowledge to give further recommendations. These reports can include factors such as current photos, historic aerial/topographic map analysis, site disturbance, ethnology, and geomorphology. The THPO uses this information to form meaningful recommendations and ascertain interest in the undertaking. Additionally, the THPO may have to ascertain this information using our database when the reports are lacking in substance. To withhold this information would be duplicitous to maintaining a trusting and good-faith relationship with Tribes.


Additionally, the new Order and Ruling places an additional burden on Tribes – having to indicate concerns for each individual project. The consultation fees allow us to prioritize TCNS projects – allowing a swifter review period. From our understanding the new Order and Ruling

expect Tribes to reply to additional forms and packets, and our request for fees to alleviate and expedite consultations are disparaged. The fees are commensurate with the work that goes into consulting for each project and enabling the Tribe to efficiently respond to TCNS projects.

The Tribe has found the TCNS system to be an innovative way to consult on projects that concern the Tribe. It allows us to communicate with all parties on a single platform. It is important to reiterate that each Tribe has its own government and Sovereignty. This relationship should not only be recognized but respected. We all have different values, perspectives, and sites that we continually have to protect. We hope that you consider our comments and recommendations and that the TCNS system will continue to be a platform that develops the process a good faith effort in Government-to-Government consultation.

Sincerely,

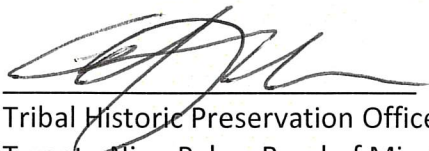
Chairman Darrell Mike



Tribal Chairman
Twenty-Nine Palms Band of Mission Indians

and

Anthony Madrigal, Jr.



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